

It's more elusive. We're not dealing with nuclear silos and coordinated structures necessary for an effective assault on American security, structures that we could begin to decipher and also technologically seek to undermine or in the event of warfare paralyze. We were really remarkably well informed and in some respects prepared for a central nuclear war to a degree to which we certainly are not today in dealing with the new challenges of security.

These can only be addressed if we have what we do not have, a really effective intelligence service. I find it appalling that when we went into Iraq we did not know if they had weapons of mass destruction. We thought they had weapons of mass destruction based largely on extrapolation. But that also means that our commanders in the field went into battle without any knowledge of the Iraqi WMD order of battle.

They did not know what units, brigades or divisions in the Iraqi armed forces were equipped with what kind, allegedly, of weapons of mass destruction. Were there chemical weapons on the battalion level or on the brigade level or were there special units in the different divisions that were supposed to use chemical weapons?

What about the alleged existence of bacteriological weapons? Who had them? Who had the right to dispose of them? What about the allegedly reconstituted nuclear program? At what level of development was it? Where were these weapons to be deployed? The fact is none of that was known regarding a country that was permeable, that was not as isolated as the Soviet Union.

All of that cumulatively testifies to a fundamental shortcoming in our national security policy. If we want to lead we have to have other countries trust us. When we speak that have to think it is the truth. This is why DeGaulle said what he did. This is why others believed us. This is why they believed us prior to the war in Iraq.

It isn't that the Norwegians or the Germans or whoever else had their own independent intelligence services. They believed us, and they no longer do. To correct that we have to have an intelligence that speaks with authority, that can be trusted, and if preemption becomes necessary can truly tell us that as a last resort preemption is necessary. Right now there's no way of knowing.

Ultimately at issue, and I end on this, is the relationship between the new requirements of security and the traditions of American idealism. We have for decades and decades played a unique role in the world because we were viewed as a society that was generally committed to certain ideals and that we were prepared to practice them at home and to defend them abroad.

Today for the first time our commitment to idealism worldwide is challenged by a sense of security vulnerability. We have to be very careful in that setting not to become self-centered, preoccupied only with ourselves and subordinate everything else in the world to an exaggerated sense of insecurity.

We are going to live in an insecure world. It cannot be avoided. We have to learn to live in it with dignity, with idealism, with steadfastness. Thank you.

#### FAIR AND ACCURATE CREDIT TRANSACTIONS ACT

Mr. BENNETT. Mr. President, this past Saturday, November 22, 2003, the Senate passed the Fair and Accurate Credit Transactions Act of 2003. Section 214 of the conference report, entitled "Affiliate Sharing," adds a new requirement for a notice and an oppor-

tunity for a consumer to opt-out of receiving solicitations from a person based on information that has been shared from an affiliate of that person.

Several exceptions to the notice and opt-out requirement are included in the bill. The first, and most logical one, is an exception for a business sending solicitations to its own customers. The conference report defines this as a "pre-existing business relationship."

The conference report further defines categories of relationships that qualify as a "pre-existing business relationship" and directs the regulators, including the Federal Trade Commission, to use their regulatory discretion to deem any "any other pre-existing customer relationship" as qualifying for the definition that may be appropriate but not clear from the statute.

The first category of relationships that the conference report definition of "pre-existing business relationship" lists is a relationship based on "a financial contract between a person and a consumer which is in force." "Financial contract," however, is not defined and it is not clear on its face what the term describes. In any case, I believe the operative concern is that it must be a contract in force.

As a conference, I believe the conference report intends that the term "pre-existing business relationship" includes a contractual relationship between a consumer and a person, where the consumer has requested the provision of a good or service, or affirmatively registered to receive a service, whether or not a fee is assessed.

Certain business models, such as those in the online world, do not follow the traditional fee for services model that characterizes the brick and mortar world. Financial consideration may not exchange up front with a customer, or at all for that matter. Accordingly, I urge the regulators to factor in new and innovative business models when issuing the regulations implementing section 214 of the Fair and Accurate Credit Transactions Act of 2003, particularly with regard to the definition of "pre-existing business relationship."

#### ENERGY POLICY ACT OF 2003

Mr. JEFFORDS. Mr. President, I have raised concerns about the troubling environmental provisions contained in the energy bill conference report several times during the course of debate on the measure, but I also wanted to share my concerns regarding the energy provisions of the bill. Energy policy is an important issue for America and one which my Vermont constituents take very seriously. The bill before us seeks to address important issues, such as the role of domestic production of energy resources versus foreign imports, the tradeoffs between the need for energy and the need to protect the quality of our environment, and the need for additional domestic efforts to support improvements in our energy

efficiency, and the wisest use of our energy resources. Given the importance of energy policy, this bill is a very serious matter and I do not take a decision to oppose such a bill lightly. In my view, this conference report does not achieve the correct balance on several important energy issues, as well as on a number of environmental issues.

In my work on this legislation, I have heard from large numbers of my constituents. They generally regard the bill as legislation written by a handful of people with the purpose of rolling back environmental protections and providing big corporations with giveaways at the expense of average Americans. Wally Elton from Springfield, VT called my office last Tuesday to voice his many concerns about the bill. Mr. Elton is skeptical about many facets of this legislation. "It makes energy the top priority for public lands, it relaxes clean air and clean water standards, which will have bad effects on public health. There is nothing for conservation—it is all about giving companies subsidies and granting them everything on their 'wish list'. In a time of deficit, we should not be doing this."

In short, Mr. Elton has deep concern regarding all aspects of this bill, right down to the way it was produced. "The bill is not a reconciliation of two bills, and was not the product of bipartisan effort," he said. "They just started over."

Many people echo Mr. Elton's concern about this bill being written behind closed doors, in "secret." My constituents tell me that a bill written without the valid contributions of a wide range of people will not reflect the feelings of the majority of Americans. It is widely known as "Cheney's bill."

Carol Groom of Warren said "They are rolling back our environmental protections and cleanup of MBTE will be put on the taxpayers." Mary Lou Treat of Putney, VT is worried about respiratory diseases caused from pollutants from coal-burning factories, while Catherine Audetter, also of Putney, said "wary of this legislation's unusual support of oil" and lack of focus on renewables. Susanna Liepmann of South Strafford is concerned about wildlife protection.

An energy expert in my State likened this bill to a horror movie: "My strong recommendation is to oppose this bill in any way you can. This bill should have been released on Halloween—it's a Frankenstein monster of mismatched body parts, most of them bad in and of themselves, and even worse when patched together."

For example, in the electricity title, it strengthens the hand of FERC by permitting mandatory reliability standards, which is fine, but not as big an improvement as some claim. But it weakens the hand of FERC to require transmission companies to join RTOs, and blocks FERC's hand on moving to better market structures. In New England, this means that transmission